

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)
 v.)
 Jose VELASCO CRUZ, aka Jose Everardo CRUZ,)
 aka Jose CRUZ VELASCO, aka Jose Everardo)
 VELASCO)

Case No.

2:19-mj-111

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 26, 2019 in the county of Charleston in the
South Carolina District of South Carolina, the defendant(s) violated:

Code Section

Title 8, United States Code, Section
 1326(a).

Offense Description

Did knowingly and unlawfully enter and was found in the United States of America, not having obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission thereto; said defendant then being an alien who had been previously deported from the United States to Mexico on September 24, 2014 and September 28, 2014.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☐ Continued on the attached sheet.


Complainant's signature

Cindy Allestad-Lyle, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

August 5, 2019



Judge's signature

City and state: Charleston, South Carolina

Mary Gordon Baker, US Magistrate Judge

Printed name and title

STATE OF SOUTH CAROLINA } AFFIDAVIT
COUNTY OF CHARLESTON }

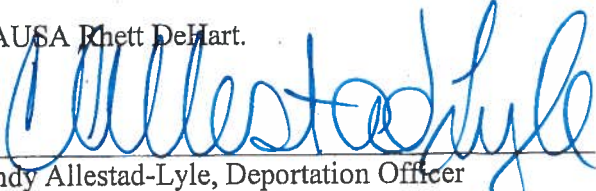
I, Cindy Allestad-Lyle, being first duly sworn, hereby depose and state as follows:

1. I am a Deportation Officer, U.S. Immigration and Customs Enforcement, United States Department of Homeland Security, a graduate of the Federal Law Enforcement Training Center (FLETC) and have been employed as a federal officer of Immigration and Customs Enforcement (ICE) since November 2003 and prior to that with the Immigration and Naturalization Service (INS) since September 1999, during which time I have conducted numerous investigations relating to administrative and criminal violations of the Immigration & Nationality Act (INA);
2. That the information contained in this affidavit is based on your affiant's personal participation in this investigation and from information provided to your affiant by other law enforcement officers. As this affidavit is being submitted for the limited purpose of establishing probable cause to support the arrest of Jose VELASCO CRUZ, aka Jose Everardo CRUZ, aka Jose CRUZ VELASCO, aka Jose Everardo VELASCO, for violation of federal law, including, but not limited to: 8 U.S.C. § 1326(a), I have not included each and every fact known to me concerning this investigation and have set forth only those facts that I believe are necessary for said purpose;
3. On July 26, 2019, Fugitive Operations Officers (FOT) in N. Charleston, SC, encountered Jose VELASCO CRUZ outside his residence at 7247 Stall Road, N. Charleston, SC. VELASCO CRUZ provided an identification card and after a brief interview it was determined he was in the United States without proper documentation. Records checks through the Law Enforcement Support Center, (LESC) indicated that he had been previously deported. VELASCO CRUZ was transported to the ICE ERO office for further processing. Deportation Officer (DO) Rodi ran a National Crime Information Center (NCIC) query that confirmed VELASCO CRUZ was an alien previously removed from the United States;
4. On July 26, 2019, VELASCO CRUZ's fingerprints were entered into the Integrated Automated Fingerprint Identification System (IAFIS) which is directly connected with the National Crime Information Center. The IAFIS system indicated that VELASCO CRUZ had been assigned an FBI number. The NCIC record for the FBI revealed that VELASCO CRUZ is a previously deported alien. During the investigation, immigration and other law enforcement indices revealed that VELASCO CRUZ was previously deported from the United States on September 24, 2014 and September 28, 2014;
5. On July 26, 2019, DO Rodi conducted extensive automated record checks of immigration indices and was unable to locate a record that VELASCO CRUZ was granted permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to the United States after deportation;

CAY

6. On July 29, 2019, VELASCO CRUZ was served with a Notice of Intent/Decision to Reinstate Prior Order in N. Charleston, SC, which he did not contest;
7. Your affiant reviewed the immigration file of VELASCO CRUZ (A200 529 763) and discovered the following:
 - a. that his true name is Jose VELASCO CRUZ;
 - b. that VELASCO CRUZ was born in 1981, in Mexico;
 - c. that VELASCO CRUZ is a native and a citizen of Mexico;
 - d. that VELASCO CRUZ illegally entered the United States at or near an unknown place, on an unknown date;
 - e. that VELASCO CRUZ was encountered as a passenger in a smuggling vehicle on February 28, 2010 near Laredo, TX and held as a Material Witness. He subsequently was granted bond, and failed to appear for the criminal case, resulting in a warrant issued by the US Marshal Service;
 - f. that VELASCO CRUZ was encountered by the North Charleston, SC Police Department during a traffic stop on May 13, 2013, and extradited to Texas based on that warrant;
 - g. that VELASCO CRUZ was convicted on June 5, 2013 in the US District Court, Southern District of Texas, Laredo Division, for the offense of entering the United States illegally, in violation of 8 USC 1325(a)(1), for which he was sentenced to 100 days confinement;
 - h. that VELASCO CRUZ was ordered removed from the United States via an Expedited Removal Order by U.S. Border Patrol Agents in Douglas, AZ on September 23, 2014, and he was removed on September 24, 2014 via Calexico, CA;
 - i. that VELASCO CRUZ's order of removal was reinstated by U.S. Border Patrol Agents in Douglas, AZ on September 26, 2014, and he was removed on September 28, 2014 via Del Rio, TX;
8. Based on the foregoing, I submit there is probable cause to believe that Jose VELASCO CRUZ, aka Jose Everardo CRUZ, aka Jose CRUZ VELASCO, aka Jose Everardo VELASCO is in violation of 8 U.S.C. § 1326(a), in that, on or about July 26, 2019, in the county of Charleston in the District of South Carolina, he did knowingly and unlawfully enter and was found in the United States of America, not having obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission thereto; said defendant then being an alien who had been previously deported from the United States to Mexico on September 24, 2014 and September 28, 2014;

This Affidavit has been reviewed by AUSA Rhett DeHart.


Cindy Allestad-Lyle, Deportation Officer
United States Immigration and Customs Enforcement

Sworn before me on this 5th day of August, 2019

Mary Gordon Baker
Mary Gordon Baker
United States Magistrate Judge